

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DIANNE K. HOAPILI aka)	CIV. NO. 17-00384 SOM-KJM
KUULEIMOMI `O PA `AHAO,,)	
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	MOTION TO REOPEN THE CASE AND
vs.)	DENYING AS MOOT APPLICATION
)	TO PROCEED IN FORMA PAUPERIS
)	
ELLIOT R. ENOKI, UNITED)	
STATES ATTORNEY, DISTRICT OF)	
HAWAI`I, ACTING UNITED STATES)	
ATTORNEY, et al.,)	
)	
Defendant.)	
)	

**ORDER DENYING PLAINTIFF'S
MOTION TO REOPEN THE CASE AND DENYING
AS MOOT APPLICATION TO PROCEED IN FORMA PAUPERIS**

Plaintiff Dianne K. Hoapili has filed a Motion To Reopen The Case, accompanied by a new Application To Proceed In Forma Pauperis. The court denies the Motion To Reopen the Case as not supported by the record and denies the IFP Application as moot.

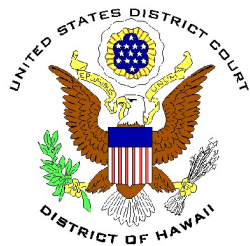
This court dismissed the original Complaint in this case on August 14, 2017, giving Hoapili leave to file an amended complaint, which she did. The Amended Complaint was dismissed by this court on September 12, 2017, with leave to file a Second Amended Complaint. The Second Amended Complaint was filed on September 29, 2017, but this court dismissed that pleading on October 4, 2017, with leave to file a Third Amended Complaint. Then, on October 18, 2017, Hoapili filed a Notice of Voluntary Dismissal. Now, two months later, she would like to reopen her

case. Given the expiration of the time in which to seek relief under Rule 59 of the Federal Rules of Civil Procedure, this court construes the Motion To Reopen The Case as a motion brought under Rule 60 of the Federal Rules of Civil Procedure.

This court recognizes that Hoapili is not a lawyer and may be at a loss as to how to proceed. However, her Motion To Reopen The Case does not address the underlying failure to state a claim that this court noted in previous orders. There is presently no undismissed complaint before this court, and Hoapili is not proposing to provide a belated amended pleading that cures the problems identified in previous orders. With no basis on which to grant relief under Rule 60 and without any other provision that appears to apply here, this court denies the Motion To Reopen The Case. This denial renders the IFP Application moot.

APPROVED AND SO ORDERED.

DATED: Honolulu, Hawaii, December 14, 2017.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Hoapili v. Enoki, CIV. NO. 17-00384 SOM-KJM
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AS MOOT APPLICATION TO PROCEED IN FORMA PAUPERIS**